

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAY V. YUNIK, )  
Plaintiff )

vs. )

Civil Action No. 08-1706

Judge Donetta W. Ambrose/

Magistrate Judge Francis X. Caiazza

CATHERINE C. McVEY, )  
Chairperson - Pennsylvania Board of )  
Probation and Parole; MICHAEL L. )  
GREEN, Member - Pennsylvania Board of )  
Probation and Parole; JEFFREY R. )  
IMBODEN, Member - Pennsylvania Board )  
of Probation and Parole; MATTHEW T. )  
MANGINO, Member - Pennsylvania Board )  
of Probation and Parole; BENJAMIN A. )  
MARTINEZ, Member - Pennsylvania )  
Board of Probation and Parole; GERALD )  
N. MASSARO, Member - Pennsylvania )  
Board of Probation and Parole; MICHAEL )  
M. WEBSTER, Member - Probation and )  
Parole; LLOYD A. WHITE, Member - )  
Pennsylvania Board of Probation and )  
Parole; ALL JOHN DOE'S AND JANES )  
DOE'S, Member- Pennsylvania Board of )  
Probation and Parole; DR. JEFFREY A. )  
BEARD, Secretary - Pennsylvania )  
Department of Corrections; JOHN S. )  
SHAFFER, Executive Deputy Secretary - )  
Pennsylvania Department of Corrections; )  
JUDITH VIGLIONE, Director - Bureau )  
of Inmates Service - Pennsylvania )  
Department of Corrections; MS. SNYDER, )  
Parole Agent - S.C.I. Mercer; MICHAEL )  
W. HARLOW, Superintendent, S.C.I. )  
Mercer; FRED J. RUFFO, Official S.C.I. )  
Mercer; MR. MAHLMEMISTER, Deputy )  
Superintendent S.C.I. Mercer; MS. )  
BAKER, Officer - S.C.I. Mercer; )  
WILLIAM (BILL) WOODS, Unit Manager - )  
S.C.I. Mercer; MRS. KING - Unit Manager - )  
S.C.I. Mercer; LT. COON, S.C.I. Mercer; )

JODI STEVENS, Counselor, S.C.I. Mercer; )  
 LT. WILLIAMSON, S.C.I. Mercer; MR. )  
 CHAMBERLAIN, Parole Agent, S.C.I. )  
 Mercer; THOMAS W. CORBETT, JR., )  
 Attorney General of Pennsylvania; ALL )  
 JOHN DOE'S AND JANE DOE'S Deputy )  
 Attorney General of Pennsylvania; ALL )  
 ATTORNEY'S WORKING FOR ANY )  
 AND ALL CITY, COUNTY'S OR STATE )  
 OF PENNSYLVANIA; ALL FEDERAL )  
 ATTORNEY'S WORKING FOR ANY )  
 AND ALL FEDERAL GOVERNMENT'S )  
 OF THE STATE OF PENNSYLVANIA, )  
 Defendants ) re: ECF No. 87

### **MEMORANDUM OPINION AND ORDER**

Plaintiff Yunik has filed "objections" (ECF No. 87) to an order entered by the undersigned that granted in part and denied in part the Defendants' Motion to Dismiss. Because objections are not properly filed to an order entered by a District Judge, the Court will liberally construe Plaintiff's objections as a motion for reconsideration. Construed as such, it will be denied.

"The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence." Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985). "The standard plaintiff must meet to prevail on a motion for reconsideration is high[.]" Berry v. Jacobs IMC, LLC, 99 F.App'x 405, 410 (3d Cir. 2004). In order to merit the grant of a motion for reconsideration, the moving party must establish: "(1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court granted the motion for summary judgment; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice." Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999). After considering Plaintiff's arguments, Plaintiff fails to meet the high

standards for meriting the grant of a motion for reconsideration. Accordingly, the following order is entered:

**AND NOW**, this 2<sup>nd</sup> day of December 2010, it is hereby **ORDERED** that the Plaintiff's

"objections", construed as a motion for reconsideration, is **DENIED**.



Donetta W. Ambrose  
U.S. District Judge

Dated:

cc: The Honorable Francis X. Caiazza  
Recalled United States Magistrate Judge

Jay V. Yunik  
EK-5560  
SCI Fayette  
Box 9999  
La Belle, PA 15450-0999

All counsel of record via CM-ECF